

ORDINANCE G-2016-24 AMENDED

**INTRODUCING: MERCER & ADAMS
COMMITTEE: A.S.D.**

**AN ORDINANCE AMENDING CHAPTER 2.170
(FIRE MERIT SYSTEM)
OF THE CODE OF ORDINANCES**

WHEREAS, the City of Evansville, Indiana ("City"), upon recommendation of the Board of Public Safety, the Evansville Fire Merit Commission and the International Association of Firefighters Evansville Local N. 357 Inc., desire to amend Chapter 2.170 of the Evansville Municipal Code of Ordinances;

WHEREAS, the City desires to amend Chapter 2.170 and remove Battalion Chief positions and replace the same with a newly created position of Division Chief;

WHEREAS, notwithstanding the desire to amend, the present eligibility list for the rank of Battalion Chief shall remain active and intact until either the list expires or the sole eligible candidate is offered a promotion; and

WHEREAS, once the list for Battalion Chief has expired or upon promotion of the eligible candidate, the Battalion Chief position shall be replaced by the newly created position of Division Chief which shall hold equivalent pay and rank to that of Battalion Chief and such position of Division Chief shall be filled by appointment by the Fire Chief.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Evansville as follows:

Section 1. Amendment of Section 2.170.020. The definition of "Upper-level policy-making positions" is hereby amended to read as follows:

"Upper-level policy-making positions" means the positions held by the Chief, Assistant Chief and Division Chief(s) of the Fire Department.

Section 2. Amendment of Section 2.170.030(B)(3). Section 2.170.030(B)(3) is hereby amended to read as follows:

"(3) Two persons, who must be of different political parties, elected by all active members of the department, with the exception of the Chief, Assistant Chief and Division Chief(s)."

Section 3. Amendment of Section 2.170.030(H). Section 2.170.030(H) is hereby amended to read as follows:

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“(H) A nomination or removal to be made by the active members of the department shall be made at a meeting called specifically for that purpose by the active members. The active members shall give at least three weeks’ notice of the meeting to all active members of the department by posting the notice in prominent locations in all stations of the department and at the Fire Administration Building. The notice must designate the time, place and purpose of the meeting. Active members of the department, excluding the Chief, Assistant Chief and Division Chief(s), may attend the meeting, and at the meeting, one of the active members shall be elected as chairman. All voting must be by secret ballot and done in station and on duty by active members, excluding the Fire Chief, Assistant Chief and Division Chief(s). The other procedures for holding the meeting shall be determined by the active members and in effect so long as the procedures do not interfere with the operation of the department.”

Section 4. Amendment of Section 2.170.060(A). Section 2.170.060(A) is hereby amended to read as follows:

“(A) The commission may appoint members of the department, except for a member in an upper-level policy-making position. The Mayor shall appoint the Chief of the Fire Department. The Chief of the Fire Department shall appoint and may remove the Assistant Chief, and Division Chief(s) of the Fire Department.”

Section 5. Amendment of Section 2.170.060(B). Section 2.170.060(B) is hereby amended to read as follows:

“(B) The Chief, Assistant Chief and Division Chief(s) of the department shall be selected from the members of the department and must have at least 10 years of service in the department before appointment. Requirements herein may be waived by majority vote of City Council upon the request of the Mayor. However, the Chief, Assistant Chief and Division Chief(s) must still have at least 10 years of service in a full-time paid fire department.”

Section 6. Amendment of Section 2.170.090(A). Section 2.170.090(A) is hereby amended to read as follows:

“(A) The commission shall have promotion eligibility lists for all ranks, as provided in the table of organization for ranks above firefighter and below Division Chief, said table of organization being established by the Safety Board subject to funding by City Council.”

Section 7. Amendment of Section 2.170.090(G). Section 2.170.090(G) is hereby amended to read as follows:

(G)

(1) The first day of the written test shall be the date used to determine bonus points for the examination process.

(2) The expiration or exhaustion date of the then-existing list shall be used to determine seniority points for the examination process.

(3) When a promotional list exhausts before its expiration date, seniority and bonus points will be calculated from the date of exhaustion.

Section 8. Amendment of Section 2.170.090(H). Section 2.170.090(H) is hereby amended to read as follows:

“(H) Except as otherwise provided for the appointment of the Chief, Assistant Chief and Division Chief(s), all promotions to ranks higher than the rank of firefighter shall be made in accordance with the relative merit and fitness of the member competing for promotion. Merit and fitness shall be ascertained by competitive examination under the direction of the commission. All examinations and examination parts shall be fair, impartial, and developed in accordance with professional standards and legal guidelines developed by an accredited university, college, or a professional testing company, and shall relate to those matters which will test fairly the relative capacities and fitness of the members to discharge efficiently the duties of the rank to be filled.”

Section 9. Amendment to Section 2.170.090(I). Section 2.170.090(I) is hereby amended to read as follows:

“(I) In order to be eligible for promotion, a member must meet the following requirements:

To test for:	A member must have by the time the list goes into effect:
Lieutenant	2 years on the department
Captain	2 years in rank as a Lieutenant
Inspector	5 years on the department
Instructor	10 years on the department
District Chief	10 years on the department and a combined total of 2 years in rank as either a Captain, Inspector, or Instructor

If no member passes or applies for the written examination for a rank, a retest will be required and those eligible for the next lower rank will also become eligible to test for this position provided the years-on-the-department requirement is met. A

member holding a nontemporary rank may not test for the rank the firefighter currently holds.”

Section 10. Amendment to Section 2.170.090(S). Section 2.170.090(S) is hereby amended to read as follows:

“(S) The commission shall establish and maintain an active eligibility list for all ranks except for the ranks of Chief, Assistant Chief and Division Chief(s). Each list shall contain the names of those members who passed the examination process. A promotion eligibility list, unless earlier exhausted, shall be in effect for 24 months from the effective date. A promotion eligibility list shall not be extended.”

Section 11. Amendment to Section 2.170.090(U). Section 2.170.090(U) is hereby amended to read as follows:

“(U) When a vacancy exists in a rank higher than firefighter and below Division Chief, the Fire Chief shall request from the commission the name of the person eligible for appointment to that rank from the eligibility list. The commission shall appoint the person who holds the top position on the promotion eligibility list for that rank so long as that person continues to meet the requirements herein and under State law.”

Section 12. Amendment to Section 2.170.100(A)(2). Section 2.170.100(A)(2) is hereby amended to read as follows:

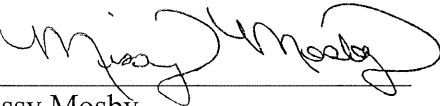
“(2) IC 36-8-3-4(m) shall only refer to the Fire Chief, Assistant Chief and Division Chief(s).”

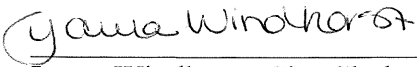
Section 13. Severability. If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination. These other provisions of this Ordinance shall remain in full force and effect without the invalid provision.

Section 14. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Common Council.

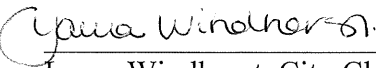
PASSED BY the Common Council of the City of Evansville, Indiana, on the 8 day of August, 2016, and on said day signed by the President of the Common Council and attested by the City Clerk.

ATTEST:

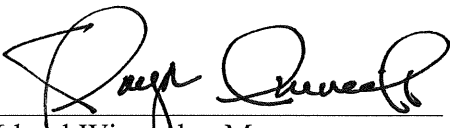

Missy Mosby
President of the Common Council


Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, and to the Mayor of said City, the 10 day of August, 2016, at 4:30 o'clock p.m. for his consideration and action thereon.


Laura Windhorst, City Clerk
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this 11th day of August, 2016, at 10:30 o'clock a.m.


Lloyd Winnecke, Mayor
City of Evansville, Indiana

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